

BY REPRESENTATIVES WALKER, BAUDOIN, BURRELL, DARTEZ, GALLOT,
GRAY, AND HUNTER

U.S. CONSTITUTION: Provides with respect to the ratification of the Equal Rights Amendment

1 A CONCURRENT RESOLUTION

2 To provide for ratification by the Legislature of the state of Louisiana of the amendment to
3 the Constitution of the United States relative to equal rights for men and women and
4 to memorialize congress, if necessary, to extend or eliminate the ratification time
5 limit.

6 WHEREAS, the Ninety-second Congress of the United States of America at the
7 second session, in both houses, by a constitutional majority of two-thirds thereof, adopted
8 the following proposition to amend the Constitution of the United States of America in the
9 following words, to wit:

10 Proposing an amendment to the Constitution of the United States relative to equal
11 rights for men and women: Now, therefore be it resolved by the Senate and House of
12 Representatives of the United States of America in Congress assembled (two-thirds of each
13 House concurring therein), that the following article is proposed as amendment to the
14 Constitution of the United States, which shall be valid to all intents and purposes as part of
15 the Constitution when ratified by the legislatures of three-fourths of the several states within
16 seven years after the date of its submission for ratification:

17 "ARTICLE _____

18 Section 1. Equality of rights under the law shall not be denied or abridged by the
19 United States or any State on account of sex.

1 Section 2. The Congress shall have the power to enforce by appropriate legislation
2 the provisions of this Article.

3 Section 3. This Amendment shall take effect two years after the date of ratification";
4 and

5 WHEREAS, the United States Congress recently adopted the Twenty-seventh
6 Amendment to the Constitution of the United States, referred to as the Madison Amendment,
7 relating to Compensation of Members of Congress which was proposed 203 years earlier by
8 the First Congress and only recently ratified by three-fourths of the States and certified by
9 the United States Archivist as the Twenty-seventh Amendment on May 18, 1992; and

10 WHEREAS, the restricting time limit for the Equal Rights Amendment ratification
11 is in the resolving clause and is not a part of the amendment proposed by congress and
12 already ratified by thirty-five states; and

13 WHEREAS, having passed a time extension for the Equal Rights Amendment on
14 October 20, 1978, congress has demonstrated that a time limit in a resolving clause can be
15 disregarded if it is not part of the proposed amendment; and

16 WHEREAS, the United States Supreme Court in *Coleman v. Miller*, 307 U.S. 433,
17 (1939), recognized that congress is in a unique position to judge the tenor of the nation, to
18 be aware of the political, social, and economic factors affecting the nation, and to be aware
19 of the importance to the nation of the proposed amendment; and

20 WHEREAS, if an amendment to the Constitution of the United States has been
21 proposed by two-thirds of both houses of congress and ratified by three-fourths of the state
22 legislatures, it is for congress under the principles of *Coleman v. Miller* to determine the
23 validity of the state ratifications occurring after a time limit in the resolving clause, but not
24 in the amendment itself; and

25 WHEREAS, constitutional equality for women and men continues to be timely in the
26 United States and worldwide, and a number of other nations have achieved constitutional
27 equality for their women and men.

28 THEREFORE, BE IT RESOLVED by the House of Representative of the Louisiana
29 Legislature, the Senate thereof concurring, that the Legislature of the state of Louisiana does

1 hereby ratify the foregoing proposed amendment to the Constitution of the United States of
2 America.

3 THEREFORE, BE IT FURTHER RESOLVED that the Louisiana Legislature does
4 hereby memorialize the United States Congress, if it deems necessary, to extend or eliminate
5 the currently expired ratification time limit on the Equal Rights Amendment, and upon
6 ratification by three more states, add the amendment to the Constitution of the United States.

7 BE IT FURTHER RESOLVED that certified copies of this Resolution shall be
8 forwarded to the administrator of General Services, Washington, D.C., and to the president
9 of the Senate and the speaker of the House of Representatives of the Congress of the United
10 States.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Walker

HCR No. 4

Provides for ratification of proposed amendment to the Constitution of the U.S. stating:

- (1) Equality of rights under law shall not be denied or abridged by the U.S. or any state on account of sex.
- (2) Congress shall have power to enforce by appropriate legislation the provisions hereof.
- (3) This amendment shall take effect two years after the date of ratification.

Memorializes congress to extend or eliminate the ratification deadline, if it deems necessary, for the Equal Rights Amendment.